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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,551	12/20/2000	Michael Frendo	CSCO-70364	8936

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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,551

Applicant(s)

FRENDON ET AL.

Examiner

Peng Ke

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/24/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 9/24/03.

This action is final.

2. Claims 1-43 are pending in this application. Claims 1, 8, 15, 23, 30, and 37 are independent claims. In the Amendment, filed on 9/24/03, claims 1, 6, 8, 15, 23, 30, 35, and 37 are amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 12-15, 19-23, 26-30, 33-37, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl (US 6,496,981) in view of Matthews, III et al. (US 6,631,523).

As per claim 1, Wistendahl et al. teaches a method for providing a user with Web-based information associated with program content viewable on a television, said method comprising the steps of:

a) receiving said program content (col 3, lines 32-45);

Examiner infers that media contents such as movies, TV programs, advertising, and the like as program content, regardless if they are interactive or not.

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b) receiving a data stream comprising a set of Uniform Resource Locators (URLs) identifying Web sites associated with said program content (col 3, lines 32-45); and

Examiner infers that hot spot in the TV content that links to an Internet address and displaying related pages on the world wide web as URL.

c) selecting from said data stream one or more URLs of particular interest to a user (col 5, lines 42-50); wherein said program content is displayed on said television and Web based information identified by said one or more URLs is optionally displayed on a device other than said television (col 7, lines 35-41).

Examiner infers that the option of viewing the URLs on a device other than TV is the same as the option for a user to use another display device, for example the computer, to view the URLs.

However, Wistendahl fails to teach storing said one or more URLs separately from said program content wherein said one or more URLs are retrievable independent of said program content.

Matthews, III et al. teaches storing said one or more URLs separately from said program content wherein said one or more URLs are retrievable independent of said program content (col. 6, lines 33-63, col. 7, lines 8-20).

It would have been obvious to an artisan at the time of the invention to include Matthew, III et al.'s teaching with Wistendahl's method in order to store the supplemental information received from ISP in a different location than the information received from the cable company.

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As per claim 4, Wistendahl and Mathew III et al. teach the claim 1, Wistendahl further teaches wherein said data stream comprising said set of URLs is embedded in said program content (col 9, lines 28-44).

As per claim 5, Wistendahl and Mathew III et al. teach the claim 1, Wistendahl further teaches wherein said data stream comprising said set of URLs is received from a remote device via the Internet (col 5, lines 28-50).

As per claim 6, Wistendahl and Mathew III et al. teach the claim 1, Wistendahl further teaches further comprising the step of:

e) receiving a command for performing a function from a remote device via the Internet (col 7, lines 45-53).

As per claim 7, Wistendahl and Mathew III et al. teach the claim 1, Wistendahl further teaches wherein said Web-based information comprises Web pages corresponding to said subset of URLs (col 13, lines 50-62).

As per claim 8, Wistendahl teaches in a device communicatively coupled to the Internet, a method for providing a user with Web-based information associated with program content viewable on a television, said method comprising the steps of:

a) receiving information identifying program content being received at a television that is communicatively coupled to the Internet (col 3, lines 32-45);

b) identifying a set of Uniform Resource Locators (URLs) for Web sites associated with said program content (col 3, lines 32-45); and

c) communicating one or more of said URLs to a second device that is communicatively coupled to the Internet (col 5, lines 42-50); wherein said program content is displayed on said

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television and Web based information associated with said set of URLs is optionally displayed on a device other than said television (col 7, lines 35-41).

Examiner infers that the option of viewing the URLs on a device other than TV is the same as the option for a user to use another display device, for example the computer, to view the URLs.

However, Wistendahl fails to teach storing said one or more URLs at said second device separately from said program content such that said one or more URLs are retrievable without accessing said program content, wherein said identifying, communicating and storing are performed automatically without user intervention.

Matthews, III et al. teaches storing said one or more URLs at said second device separately from said program content such that said one or more URLs are retrievable without accessing said program content, wherein said identifying, communicating and storing are performed automatically without user intervention (col. 6, lines 33-63, col. 7, lines 8-20).

It would have been obvious to an artisan at the time of the invention to include Matthew, III et al.'s teaching with Wistendahl's method in order to store the supplemental information received from ISP in a different location than the information received from the cable company.

As per claim 12, Wistendahl and Mathew III et al. teach the claim 8, Wistendahl further teaches wherein said step a) comprises the step of: receiving information identifying a channel associated with said program content (col 13, lines 39-49).

As per claim 13, Wistendahl and Mathew III et al. teach the claim 8, Wistendahl further teaches wherein said second device is a set top box communicatively coupled to said television,

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wherein said URLs received by said second device are communicated to said device other than said television (col 7, lines 35-41).

As per claim 14, Wistendahl and Mathew III et al. teach the claim 8, Wistendahl further teaches wherein said second device is a computer system having a display screen, wherein said Web-based information is optionally displayed on said display screen (col 7, lines 35-41).

As per claim 15, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 18, which is dependent on claim 15, it is of the same scope as claim 4. (see rejection above)

As per claim 19, which is dependent on claim 15, it is of the same scope as claim 5. (see rejection above)

As per claim 20, which is dependent on claim 15, it is of the same scope as claim 6. (see rejection above)

As per claim 21, which is dependent on claim 15, it is of the same scope as claim 7. (see rejection above)

As per claim 22, which is dependent on claim 15, Wistendahl teaches the method as recited in Claim 15 wherein said television is communicatively coupled with a set top box (fig 3, item 32).

As per claim 23, it is rejected with same rational as claim 1. (see rejection above)

As per claim 26, which is dependent on claim 23, it is of the same scope as claim 4 (see rejection above).

As per claim 27, which is dependent on claim 23, it is of the same scope as claim 5 (see rejection above).

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As per claim 28, which is dependent on claim 23, it is of the same scope as claim 6 (see rejection above).

As per claim 29, which is dependent on claim 23, it is of the same scope as claim 7 (see rejection above).

As per claim 30, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 33, which is dependent on claim 30, it is of the same scope as claim 4 (see rejection above).

As per claim 34, which is dependent on claim 30, it is of the same scope as claim 5 (see rejection above).

As per claim 35, which is dependent on claim 30, it is of the same scope as claim 6 (see rejection above).

As per claim 36, which is dependent on claim 30, it is of the same scope as claim 7 (see rejection above).

As per claim 37, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 40, which is dependent on claim 37, it is of the same scope as claim 4 (see rejection above).

As per claim 41, which is dependent on claim 37, it is of the same scope as claim 5 (see rejection above).

As per claim 42, which is dependent on claim 37, it is of the same scope as claim 6 (see rejection above).

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As per claim 43, which is dependent on claim 37, it is of the same scope as claim 7 (see rejection above).

Claims 2, 3, 9, 11, 16, 17, 24, 25, 31, 32, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. (US 6,496,981) in view of Mathew III et al. (US 6,631,523) further in view of Moraes (US 6,014,502).

As per claim 2, Wistendahl et al. and Mathew III et al. teach the method as recited in Claim 1. However they fail to teach the method wherein said step comprises the steps of:

1) comparing characteristics describing each of said URLs with a user profile comprising user-specified characteristics; and

2) identifying a subset of URLs satisfying said user-specified characteristics.

Moraes teaches a method wherein said step comprises the steps of:

1) comparing characteristics describing each of said URLs with a user profile comprising user-specified characteristics (col 19, lines 9-29); and

2) identifying a subset of URLs satisfying said user-specified characteristics (col 19, lines 9-29).

It would have been obvious to an artisan at the time of the invention to include Moraes' teaching with the method of Wistendahl and Mathew III et al. in order to predict user's future behavior.

As per claim 3, Wistendahl, Mathew III, and Moraes teach the method as recited in Claim 2. Moraes further teaches the method comprising the steps of:

monitoring URLs selected by said user (col 19, lines 9-29); and

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adding characteristics describing said URLs selected by said user to said user profile (col 19, lines 9-29).

As per claim 9, which is dependent on claim 8, it is of the same scope as claim 2. (see rejection above).

As per claim 11, which is dependent on claim 10, it is of the same scope as claim 2. (see rejection above).

As per claim 16, which is dependent on claim 15, it is of the same scope as claim 2. (see rejection above).

As per claim 17, which is dependent on claim 16, it is of the same scope as claim 3. (see rejection above).

As per claim 24, which is dependent on claim 23, it is of the same scope as claim 2. (see rejection above).

As per claim 25, which is dependent on claim 24, it is of the same scope as claim 3. (see rejection above).

As per claim 31, which is dependent on claim 30, it is of the same scope as claim 2. (see rejection above).

As per claim 32, which is dependent on claim 31, it is of the same scope as claim 3. (see rejection above).

As per claim 38, which is dependent on claim 37, it is of the same scope as claim 2. (see rejection above).

As per claim 39, which is dependent on claim 38, it is of the same scope as claim 3. (see rejection above).

Response to Argument

Applicant's arguments with respect to claims 9/24/03 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Peng Ke

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